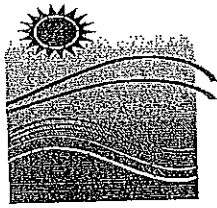


DEEP
PROPOSED REGULATIONS [resubmittal]
2012-017a

“STATE BOARD OF EXAMINERS OF ENVIRONMENTAL
PROFESSIONALS”

Section 6.

- i. Summary of public comments



Connecticut Department of

ENERGY &
ENVIRONMENTAL
PROTECTION

Amendments to Regulations Regarding the State Board of Examiners of Environmental Professionals

Hearing Officer's Report

Robert E. Bell
Assistant Director
Remediation Division
Bureau of Water Protection and Land Reuse
March 5, 2012

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I. Hearing Officer's Report Content

On October 12, 2010, the Commissioner of the Department of Environmental Protection (DEP) published a notice of intent to amend various sections of the Regulations of Connecticut State Agencies (RCSA), including sections 22a-133v-2 through 5 inclusive, various subsections of section 22a-133v-7, and the addition of a new subsection 22a-133v-4(e). Pursuant to such notice, a public hearing was held on November 18, 2010, with the public comment period closing on the same day. *[Note: the process was initiated by the Department of Environmental Protection which has subsequently been reorganized and renamed the Department of Energy and Environmental Protection (CT DEEP). For the remainder of this report all references to the former DEP are replaced with and referred to as CT DEEP]*

As required by RCSA section 4-168(d) of the Connecticut General Statutes (CGS), this Hearing Officer's Report for the Proposed Amendments to the Regulations concerning the State Board of Examiners of Environmental Professionals is the culmination of the public process that the Connecticut Department of Energy and Environmental Protection (CT DEEP) undertook to revise and update the relevant regulations consistent with several recent statutory changes. The purpose of the Hearing Officer's Report is to provide recommendations to the Commissioner of the Department of Energy and Environmental Protection for the final revisions to the Regulations of Connecticut State Agencies (RCSA) sections 22a-133v-2 through 5 inclusive, various subsections of section 22a-133v-7, and the addition of a new subsection 22a-133v-4(e). In support of the Commissioner's review, this document provides background information on the State Board of Examiners of Environmental Professionals (more commonly known as the LEP Board), the statutory underpinnings and the regulatory changes proposed, the state processes for proposing revisions to the regulations, as well as summarizes and responds to public comments received. A final recommended version of the amendment text is also provided.

The Hearing Officer's Report is intended to be a fair representation of revisions and updates to the LEP Board Regulations as the result of the public review and hearing process, but in the case of any errors or omissions, the official RCSA as approved by Regulations Review Committee of the Connecticut State Legislature and as published in the Connecticut Law Journal govern. (Appendix C of this report.)

II. State Board of Examiners of Environmental Professionals

The State Board of Examiners of Environmental Professionals ("LEP Board") administers the provisions of the LEP Program¹ concerning licensure and issuance; reissuance; suspension or revocation of licenses; and sanctions and other disciplinary actions. Pursuant to Section 22a-133v(b) of the Connecticut General Statutes (CGS), the State Board of Examiners of Environmental Professionals was established within CT DEEP. The Chairman of the LEP Board is a designee of the Commissioner of CT DEEP. Ten (10) other members are appointed by the Governor and shall consist of six (6) LEPs; two (2) active members of an organization that promotes protection of the environment; and one member each from organizations representing business and lending institutions.

CGS section 22a-133v(c) authorized the Commissioner, with advice and assistance from the LEP Board, to adopt regulations concerning the professional ethics and conduct appropriate to establish and maintain a high standard of integrity and dignity in the practice of an LEP. The LEP Regulations were adopted on June 2, 1997.

III. Administrative Requirements

The Uniform Administrative Procedure Act codified in the General Statutes of Connecticut (CGS) as Chapter 54 (Sections 4-166 et. seq.), establishes procedures that state agencies must follow when performing listed administrative functions. One of the administrative functions that a state agency (like CT DEEP) performs is the development of regulations that are codified into the Regulations of Connecticut State Agencies (RCSA). The Connecticut UAPA sets out the procedures that state agencies must follow to adopt regulations. In Connecticut, a standing committee of the General Assembly (Regulations Review Committee) must ultimately approve a regulation before it becomes law. Regulations are given the same weight as statutes once the regulations have been properly enacted.

In addition to defining the term regulation, Chapter 54 of the CGS requires that each state agency "adopt as a regulation Rules of Practice". CT DEEP adopted Rules of Practice that are codified in RCSA Sections 22a-3a-2 through 22a-3a-6. RCSA Section 22-3a-3 entitled

¹ The Licensed Environmental Professional (LEP) Program was established by Public Act 95-183, and codified as section 22a-133v of the Connecticut General Statutes (CGS) on October 1, 1995.

Regulation-making describes the procedures the Department must follow. These regulations must be read in conjunction with CGS Section 4-167 through 4-174.

IV. Summary of Proposed Amendments to the LEP Board Regulations

The Connecticut Department of Energy and Environmental Protection (CT DEEP) proposed various amendments to the regulations regarding the State Board of Examiners of Environmental Professionals in response to Public Acts 03-6, 06-76, 07-81 and 09-3. In addition, several technical revisions were also proposed. Specifically, amendments are proposed to sections 22a-133v-2 through 5 inclusive, and subsections 22a-133v-7(c), (l), (n), (o), (r), (s), (ee) of the Regulations of Connecticut State Agencies ("RCSA") and to adopt new subsection 22a-133v-4(e) of the RCSA.

The regulations are being amended consistent with several recent statutory changes. The major revision incorporates statutory changes pursuant to Public Act 07-81 which allows the State Board of Examiners of Environmental Professionals (LEP Board) the flexibility within the disciplinary process to levy sanctions other than revocation, denial or suspension of a license. This gives the LEP Board the discretion to impose remedial types of discipline.

Highlights of the proposed revisions to the regulations regarding the LEP Board include:

- Increasing flexibility within the disciplinary process to levy sanctions other than revocation, denial or suspension of a license.
- Giving the LEP Board the flexibility to consider all undergraduate, graduate and postgraduate course work for the purposes of determining eligibility to take the LEP exam.
- Allowing the periodic retaking of a course or seminar to count toward continuing education credits.
- Reducing the number of consecutive hours of instruction required for a course to meet continuing education requirements.
- Clarifying that anyone participating in developing the LEP exam is ineligible to take the exam for a 2 year period.
- Establishing procedures allowing an environmental professional to renew an expired license within six months of expiration.

- Clarifying that a LEP cannot verify property that the licensee or licensee's employer has a financial interest in, other than professional services fees. The regulatory revisions also clarify when a LEP's seal may be used.
- Revising fees to reflect legislative increases.

The proposal contains the following regulatory amendments:

Section 22a-133v-2

Amendment to subsection 22a-133v-2(b) is proposed to allow the board of examiners the flexibility to consider all graduate and postgraduate coursework taken by an applicant for the purpose of determining whether an applicant's education, combined with a bachelor's or advanced degree is fundamentally equivalent to those degrees listed in section 22a-133v-2(b)(2)(A) of the regulations. The regulatory revisions are intended to reflect statutory changes enacted under Public Act 06-76. In addition, amendments to subsection 22a-133v-2(e) are intended to: 1) clarify that continuing education credits cannot fulfill the requirements of two biennial periods; 2) allow continuing education credits taken during one biennial period to be applied to the previous biennial period when such credits are required by the Board; 3) allow greater flexibility in the number of classroom hours required for short courses; and 4) allow for the periodic retaking of a course or seminar to count toward the fulfillment of continuing education requirements.

Section 22a-133v-3

The purpose of this amendment is to clarify that the fee payment for the examination was increased pursuant to Public Acts 03-6 and 09-3 and is now \$235.00. This amendment also deletes regulatory language that is no longer relevant related to interim environmental professional status and eligibility to take the first or second exam. It also clarifies that anyone participating in developing the exam is ineligible to take the exam for a 2 year period, thereby eliminating any potential ethical conflicts. Currently, there are adequate numbers of LEPs available to assist as technical advisors in developing the examination.

Section 22a-133v-4

The purpose of this amendment is to clarify that the fee payment for renewals was increased pursuant to Public Acts 03-6 and 09-3 and is now \$425.00. The regulatory revisions are also intended to reflect statutory changes pursuant to Public Act 07-81. Public Act 07-81 amended Section 22a-133v of the Connecticut General Statutes regarding Licensed Environmental Professionals (LEP) and authorizes the LEP Board to levy sanctions other than revocation, denial

or suspension of an environmental professional's license. This change gives the LEP Board additional disciplinary tools and discretion to impose remedial types of discipline.

(NEW) Subsection 22a-133v-4(e)

Public Act 06-76 amended Section 22a-133v(f) of the Connecticut General Statutes to address situations where a LEP license has expired and allows the LEP Board the flexibility to reissue a new license without requiring the individual to retake and pass the examination again, provided a license renewal is submitted within six months after the expiration of the license. The regulatory revisions reflect those statutory changes and establish procedures and criteria for license reinstatement after expiration.

Subsection 22a-133v-5(b)

The purpose of this amendment is to clarify that a LEP cannot verify property that the licensee or licensee's employer has a financial interest in, other than professional services fees and clarifies when a licensee may use their seal.

Subsections (c), (l), (n), (o), (r), (s) and (ee) of Section 22a-133v-7

The current regulations only allow for the revocation, denial or suspension of a license. The purpose of this amendment is to incorporate statutory changes pursuant to Public Act 07-81, which gives the LEP Board additional disciplinary tools and the discretion to impose remedial types of discipline.

V. Specific Comments and Response thereto on the Proposed Revisions

No comments opposed CT DEEP's intent to seek final adoption of this proposal. One written set of comments were received (dated November 18, 2010) from the Environmental Professionals' Organization of Connecticut (EPOC). The specific comments are summarized and may be paraphrased for clarity or brevity purposes. EPOC's specific concerns/comments are addressed below:

1. LICENSE REINSTATEMENTS

Comment:

EPOC proposes revising the requirements for reinstatement of expired licenses under new Section 22a-133v-4(e) to require payment of an extra fee, but not require taking of additional continuing education credits. Since a licensee's technical competence is not diminished because of a failure to timely renew a license, EPOC feels the payment of an extra fee is a more

appropriate way to discourage licensees from missing the deadline. EPOC would also like to propose an extension provision that allows licensees to obtain extra time to complete the minimum number of continuing education credits, if the licensee has not earned the minimum number by the June 1 deadline in odd numbered years. Unlike the failure to timely renew a license, the failure to obtain enough credits may indeed implicate technical competence. Therefore, EPOC also proposes that the licensee would be prohibited from using his or her seal until the missing credits have been earned, in addition to payment of an extra fee to discourage licensees from failing to meet the deadline.

Response:

The concepts are generally incorporated into revised language as proposed below:

(NEW) (e) (1) Where an individual with an expired license applies for a new license within six months following license expiration, the Board may recommend to the Commissioner that a new license be granted to such individual without such individual retaking and passing the examination required under section 22a-133v-2(c) of these regulations, provided:

(A) the applicant's license has not expired on more than two occasions; and

(B) the applicant complies with the following:

(i) if the application is being made in an odd calendar year, the applicant shall meet all the continuing education credit requirements from the last biennial period. If such applicant had a deficiency in the continuing education credit requirements for the last biennial period, the applicant shall meet the continuing education credit requirements for the last biennial period prior to applying to the Board for reinstatement. In any event, such credits cannot be used to satisfy the continuing education requirements of the new biennial period.

(ii) the application to renew the license is accompanied by the renewal fee and an additional fee of 1.5 times the fee required by section 22a-133v-4d(2)(B) of the Regulations of Connecticut State Agencies;

(iii) the applicant submits an affidavit on a form prescribed by the Board on which the applicant certifies, under penalties of perjury, that the applicant has not affixed his or her seal, or allowed his or her seal to be affixed, to any document following the expiration date of the license.

(2) during the period when a license has expired and before the commissioner has granted a new license in accordance with the above criteria and procedures, the individual with an expired license shall not be included on the roster of environmental professionals, shall not present themselves as a licensed environmental professional and shall not perform professional services as a licensed environmental professional.

2. USE OF SEAL

Comment:

EPOC requested that Section 22a-133v-5(b) be revised to only allow use of an LEP seal when authorized by statute or regulation as opposed to when required by the Commissioner. EPOC contends that the use of a seal must only be in instances where the LEP authority has been clearly established through validly enacted statute or regulation, and not pursuant to guidance or other requirement of the Commissioner that has not been through the necessary review under the Administrative Procedures Act.

Response:

The proposal was to add to the regulatory requirement the use of the seal "or any other document as required by the Commissioner." By the very nature of the statutes establishing and governing LEP's, an LEP acts under the imprimatur of the Commissioner. As such, the Commissioner may authorize an LEP to use their seal as so directed by the Commissioner pursuant to any other law, regulation, order, permit, license or approval.

The following is the proposed change to 22a-133v-5(b)(3):

- A licensee shall not affix [his or her] such licensee's seal to any document other than a verification, [or] other document pertaining to a verification or any other document as authorized by the Commissioner pursuant to any other law, regulation, order, permit, license or approval. Where documents are bound together, the application of the seal on one sheet or page shall be considered applied to all such sheets.*

For consistency, minor wording change is also proposed to RCSA section 22a-133v-5(b)1 as follows:

- A licensee's seal shall only be used by such licensee in connection with verifications, [or] other documents pertaining to verifications or any other document as authorized by the Commissioner pursuant to any other law, regulation, order, permit, license or approval*

for which such licensee is responsible. A licensee shall only use a seal during the time when such licensee has been issued a currently valid effective license issued by the Commissioner.

DEFINITIONS

Comment:

EPOC proposes changing the definition of “contingent fee arrangement” in RCSA Section 22a-133v-1(h)

Response:

The comment requests regulatory changes outside of the scope of the public notice and draft regulations as presented to the public. Such comment will be forwarded to the LEP Board for their consideration.

4. CONTINUING EDUCATION REQUIREMENTS

Comment:

EPOC proposes adding a provision that allows a licensee to carry over up to 8 continuing education credits from one biennial period to the next, provided the licensee has properly renewed such license.

Response:

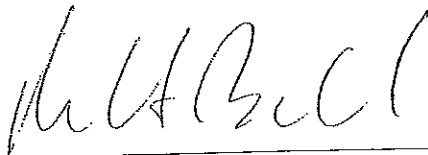
The comment requests regulatory changes outside of the scope of the public notice and draft regulations as presented to the public. Such comment will be forwarded to the LEP Board for their consideration.

VI. Final Wording of the Proposed Regulations

The final revised LEP Board regulation is presented in Appendix C of this document.

VII. Conclusion

Based upon the comments addressed in this Hearing Report, I recommend the proposal be revised as recommended herein and that the recommended final proposal, included as Appendix C to this report, shall be submitted by the Commissioner for approval by the Attorney General and the Legislative Regulations Review Committee of the Connecticut General Assembly.



Robert E. Bell
Hearing Officer

March 6, 2012

Date

Appendices

- A. Notice of Intent to Amend the Regulations Concerning the State Board of Examiners of Environmental Professionals and to Hold a Hearing
- B. Comments Received In Response to the Notice of Hearing
- C. Revised text for the Regulations Concerning the State Board of Examiners of Environmental Professionals



Environmental Professionals' Organization of Connecticut
P.O. Box 176
Amston, Connecticut 06231-0176
Phone: (860) 537-0337, Fax: (860) 537-6268

November 18, 2010

Robert Bell
Connecticut Department of Environmental Protection
Bureau of Water Protection and Land Reuse
79 Elm Street
Hartford, CT, 06106-5127

RE: EPOC Comments on Proposed Revisions to the Regulations Regarding the State Board of
Examiners of Environmental Professionals – Draft dated September 2010 (“LEP
Regulations”)

Dear Mr. Bell:

Set forth on the attached pages are the comments from the Environmental Professionals' Organization of Connecticut (EPOC) on the LEP Regulations. Overall, EPOC is supportive of the proposed revisions to the LEP Regulations. We are appreciative of the inclusion of changes we have advocated to the Department including allowing the periodic retaking of a course to count toward continuing education credits and reducing the number of consecutive hours of instruction required for a course to meet continuing education requirements (from 4 to 2). Our additional comments reflect our desire to better define the process for reinstatement for expired licenses, use of the LEP seal, contingent fee definition, and a request to add a provision regarding allowing carryover continuing educational credits from one biennial period to the next.

EPOC was formed in 1996 to represent the interests of Connecticut's Licensed Environmental Professionals (LEPs) by providing information, training and updates regarding the LEP program in Connecticut. The organization has approximately 500 members representing numerous technical disciplines all working in the area of investigation and cleanup of environmentally-impacted sites in Connecticut. Thank you for the opportunity to present EPOC's views on the Proposed LEP Regulations. If you have any questions, please contact Seth Molofsky at (860) 537-0337.

Sincerely yours,

EPOC

Seth Molofsky
Executive Director

Mr. Robert Bell
November 18, 2010
Page 2

Attachments:

EPOC COMMENTS TO PROPOSED REVISIONS TO THE REGULATIONS REGARDING
THE STATE BOARD OF EXAMINERS OF ENVIRONMENTAL PROFESSIONALS

Draft dated September 2010

1. Section 22a-133v-4(e): We propose revising the requirements for reinstatement of expired licenses under new Section 22a-133v-4(e) to require payment of an extra fee, but not require taking of additional continuing education credits. Since a licensee's technical competence is not diminished because of a failure to timely renew a license, we feel the payment of an extra fee is a more appropriate way to discourage licensees from missing the deadline. We would also like to propose an extension provision that allows licensees to obtain extra time to complete the minimum number of continuing education credits, if the licensee has not earned the minimum number by the June 1 deadline in odd numbered years. Unlike the failure to timely renew a license, the failure to obtain enough credits may indeed implicate technical competence. Therefore we also propose that the licensee would be prohibited from using his or her seal until the missing credits have been earned, in addition to payment of an extra fee to discourage licensees from failing to meet the deadline. Proposed changes to Section 22a-133v-4(e) are as follows:

(NEW)(e) License Reinstatements

(1) A licensee whose license has lapsed because of a failure to renew the license by the deadline specified in section 22a-133v-4(d) of the Regulations of Connecticut State Agencies may nonetheless have such licensee's license reinstated without such licensee retaking and passing the examination required under section 22a-133v-2(c) of the Regulations of Connecticut State Agencies provided that all of the following requirements are met:

(A) the application to renew the license is filed with the Board no later than 6 months from expiration of the license;

(B) the application to renew the license is accompanied by a fee of 1.5 times the fee required by section 22a-133v-4(d)(2)(B) of the Regulations of Connecticut State Agencies;

(C) in odd number years, the application includes the documentation required under section 22a-133v-4(d)(2)(C) of the Regulations of Connecticut State Agencies that demonstrates the licensee fulfilled the continuing education requirements prior to expiration of the license; and

(D) the licensee submits an affidavit on a form prescribed by the Board on which the licensee certifies, under penalties of perjury, that the licensee has not affixed such licensee's seal, or allowed such licensee's seal to be affixed, to any document during the period that the license was lapsed.

(2) A licensee who has not completed the requisite number of continuing education credits pursuant to section 22a-133v-2(e)(1) of the Regulations of

Connecticut State Agencies at the time such licensee submits an application for renewal in odd numbered calendar years under section 22a-133v-4(d)(2) of the Regulations of Connecticut State Agencies shall have an additional period to obtain the missing continuing education credits and submit documentation thereof to the Board, and such licensee's license shall be deemed reinstated without such licensee retaking and passing the examination required under section 22a-133v-2(c) of the Regulations of Connecticut State Agencies, provided that all of the following requirements are met:

(A) the application to renew the license is timely filed in accordance with section 22a-133v-4(d)(2)(A) of the Regulations of Connecticut State Agencies;

(B) the application to renew the license is accompanied by a fee of 1.5 times the fee required by section 22a-133v-4(d)(2)(B) of the Regulations of Connecticut State Agencies;

(C) the application includes the documentation required under section 22a-133v-4(d)(2)(C) of the Regulations of Connecticut State Agencies that demonstrates the licensee fulfilled not less than two thirds of the required continuing education credits at the time the application was submitted;

(D) the licensee submits follow-up documentation, on a form prescribed by the Board, not later than 6 months following the end of the prior biennial period, or such other time period approved by the Board, that demonstrates the licensee has completed the continuing education credits that were missing for the prior biennial period; and

(E) at the time the licensee submits the documentation required under subparagraph (2)(D) of this subsection, the licensee submits an affidavit on a form prescribed by the Board on which the licensee certifies, under penalties of perjury, that the licensee has not affixed such licensee's seal, or allowed such licensee's seal to be affixed, to any document following the end of the prior biennial period.

(3) A licensee may utilize the provisions of this subsection (e) to avoid lapse of such licensee's license on not more than two occasions.

(4) The Board may waive the requirement that the licensee pay the additional fees as provided under this subsection (e) upon demonstration to the Board's satisfaction that the licensee's failure to renew or to complete the required continuing education credits was based on circumstances reasonably beyond the licensee's control.

2. Section 22a-133v-5(b) Use of a Seal: We propose clarifying that an LEP may use his or her seal only as authorized by statute or regulation, as opposed to when required by the Commissioner. The use of a seal must only be in instances where the LEP's authority has been clearly established through validly enacted statute or regulation, and not pursuant to guidance or

other requirement of the Commissioner that has not been through the necessary review under the Administrative Procedures Act. Proposed changes to Section 22a-133v-5(b) are as follows:

(b) Use of a [seal] Seal

(1) A licensee's seal shall only be used by such licensee in connection with verifications or other documents pertaining to verifications for which such licensee is responsible or any other document as authorized by statute or regulation.

...

(3) A licensee shall not affix [his or her] such licensee's seal to any document other than a verification or other document pertaining to a verification for which such licensee is responsible or any other document as authorized by statute or regulation. Where documents are bound together, the application of the seal on one sheet or page shall be considered applied to all such sheets or pages.

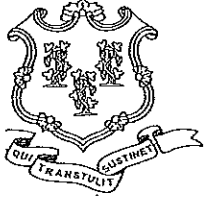
3. Section 22a-133v-1(h) Definitions: We propose changing the definition of "Contingent fee arrangement" as follows, to provide further clarification as to its meaning, and conform more closely to a similar provision in CGS Section 22a-133w(d):

(h) "Contingent fee arrangement" means any arrangement whereby the payment or non-payment of a fee or compensation of any kind, in whole or in part, is paid or provided to a licensed environmental professional dependent upon a specified finding or the [outcome] result of a matter. A contingent fee arrangement does not mean a lump sum fee to perform a particular scope of services. A contingent fee arrangement does mean a lump sum fee or other fee arrangement where the fee or a portion of the fee will not be paid unless upon completion of an investigation, remediation, verification or other scope of services a specified result has been reached.

4. Section 22a-133v-2(e) Continuing Education Requirements: We propose adding a provision that allows a licensee to carry over up to 8 continuing education credits from one biennial period to the next, provided the licensee has properly renewed his or her license. Proposed changes to Section 22a-133v-2(e)(1)(A) are as follows:

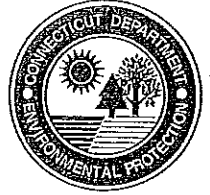
(i) [No licensee may apply continuing education credits earned during one biennial license period toward the continuing education requirements of another biennial license period.] A licensee may carry over and apply continuing education credits earned in excess of 24 credits during one biennial license period toward the continuing education credit requirements of the immediately following biennial license period, up to a maximum of 8 credits, provided that the licensee has timely renewed the licensee's license for the biennial license period to which the carry over credits shall apply, in accordance with the provisions of section 22a-133v-4(d) of the Regulations of Connecticut State Agencies.

(ii) Any continuing education credits taken pursuant to section 22a-133v-4(e)(2)(D) of the Regulations of Connecticut State Agencies shall not apply toward the continuing education credit requirements contained in section 22a-133v-2(e)(1)(A) of the Regulations of Connecticut State Agencies.



STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Notice Of Intent To Amend Regulations And To Hold A Public Hearing

The Commissioner of Environmental Protection hereby gives notice of a public hearing as part of a rulemaking process. Pursuant to sections 4-168 and 22a-6 of the Connecticut General Statutes ("CGS"), and section 22a-3a-3 of the Regulations of Connecticut State Agencies ("RCSA"), the Commissioner hereby gives notice of her intention to amend RCSA sections 22a-133v-2 through 5 inclusive and subsections 22a-133v-7(c), (l), (n), (o), (r), (s), (ee), and to adopt new subsection 22a-133v-4(e) of the RCSA. These regulations are being proposed under the authority of CGS sections 22a-6 and 22a-133v.

The purpose of the proposed amendments to the regulations regarding the State Board of Examiners of Environmental Professionals (LEP Board), is to update the regulations consistent with several statutory changes including Public Acts 03-6, 06-76, 07-81 and 09-3. Legislative fee increases from 2003 and 2009, as well as several technical revisions are also included. The major revision incorporates statutory changes pursuant to Public Act 07-81 which allows the Board the flexibility within the disciplinary process to levy sanctions other than revocation, denial or suspension of a license.

In addition, Public Act 06-76 amended section 22a-133v of the Connecticut General Statutes to allow the LEP Board the ability to consider all graduate and postgraduate course work for the purpose of determining whether the education of an applicant for the LEP exam, combined with a bachelor's or advanced degree' is fundamentally equivalent to those degrees listed in section 22a-133v-2 of the RCSA. Public Act 06-76 also gave the DEP and LEP Board the authority to adopt regulations that allow a licensee to renew an expired license without retaking the exam when an application to renew is submitted within six months of the expiration of the license.

In developing these amendments to the regulations DEP consulted closely with the LEP Board.

The proposed regulations include, but are not limited to, provisions regarding:

(1) Increasing flexibility within the disciplinary process to levy sanctions other than the revocation, denial or suspension of a license; (2) Giving the LEP Board the flexibility to consider all undergraduate, graduate and postgraduate course work for the purpose of determining eligibility to take the LEP exam; (3) Allowing the periodic retaking of a course or seminar to count toward continuing education credits; (4) Reducing the number of consecutive hours of instruction required for a course to meet continuing education requirements; (5) Clarifying that anyone participating in developing the LEP exam is ineligible to take the exam for a 2 year period; (6) Establishing procedures allowing an environmental professional to renew an expired license within six months of expiration; (7) Clarifying that an LEP cannot verify property that the licensee or licensee's employer has a financial interest in, other than professional services fees. The regulatory revisions also clarify when a LEP's seal may be used; and (8) Revising fees to reflect legislative increases.

Copies of the proposed regulations and fiscal and small business impact statement are available for public inspection during normal business hours at the Department of Environmental Protection's Bureau of Water Protection and Land Reuse, Remediation Division, 2nd Floor, 79 Elm Street, Hartford, CT. A link to the proposed regulations is

available on the Department's web site at <http://www.ct.gov/dep/publicnotices>. These documents can also be obtained by contacting Kim Maiorano at the above address, or by phone at (860) 424-3788.

All interested parties are invited to express their views on the proposed regulations at a hearing to be held at the following place and time:

November 18, 2010, Russell Hearing Room, 3rd Floor
1:00 p.m. – 2:30 p.m. or until all comments have been heard
Department of Environmental Protection
79 Elm Street, Hartford, Connecticut

Speakers are requested, although not required, to submit a written copy of their comments.

Written comments on the proposed regulations may also be submitted to Robert E. Bell, Department of Environmental Protection, Bureau of Water Protection and Land Reuse, Remediation Division, 79 Elm Street, Hartford, Connecticut, 06106-5127 by November 18, 2010 at the close of the public hearing. All comments must be received by the close of the public hearing and will not be accepted or considered if received after the close of the hearing.

The Department of Environmental Protection is an affirmative action/equal opportunity employer and service provider. In conformance with the Americans with Disabilities Act, DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities who need this information in an alternative format, to allow them to benefit and/or participate in the agency's programs and services, should call 860-424-3051 or 860-418-5937 or e-mail Marcia Bonitto, ADA Coordinator, at Marcia.Bonitto@CT.Gov. Persons who are hearing impaired should call the State of Connecticut relay number 711. **Requests for accommodations must be made at least two weeks prior to the program date.**

/s/Amey W. Marrell
Commissioner

Published in the Connecticut Law Journal on October 12, 2010